IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

CRP.No. 149 of 2007()

AGAINST THE ORDER IN IOP 20 OF 2001 IN OS.564/2006 of PRINCIPAL SUB COURT,ERNAKULAM
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REVN. PETITIONERS/ RESPONDENTS/DEFENDANTS:
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1. **THE DIRECTOR, MEDICAL TRUST HOSPITAL, PALLIMUKKU JN., ERNAKULAM, KOCHI-682 316.**

2. **DR.T.M. JOSEPH, MEDICAL TRUST HOSPITAL, PALLIMUKKU JUN., ERNAKULAM, KOCHI-682 316.**

3. **DR.RAJENDRA SONAWALE MEDICAL TRUST HOSPITAL, PALLIMUKKU JN., ERNAKULAM, KOCHI-682 316.**

BY SRI.N.NARENDRA KUMAR
SRI.R.SUDHIR

RESPONDENTS:
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1. **SEMINA T.M., W/O.LATE K.A. NAZAR, AGED 27 YEARS, RESIDING AT ZIYAD MANZIL, ARAFA NAGAR, UNIVERSITY P.O., KOCHI-682 022.**

2. **FATHIMA NAZAR, D/O.K.A.NAZAR, AGED 6 YEARS, MINOR REPRESENTED BY HER GUARDIAN AND NEAXT FRIEND SEMINA, THE MOTHER OF THE 2ND PETITIONER, RESIDING AT AZIYAD MANZIL, ARAFA NAGAR, UNIVERSITY P.O., KOCHI-682 022.**

BY ADV. SRI.K.RAMAKUMAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. 426 OF 2007
IN
C.R.P. NO.149 OF 2007

DISMISSED

24/9/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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C.R.P. NO. 149 OF 2007

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Dated this the 24th day of September, 2007.

O R D E R

This revision petition is preferred against the order of the Subordinate Judge, Ernakulam in I.O.P.20/01. The suit is one for compensation of Rs.40 lakhs from the defendants alleging medical negligence. The required Court fee to be paid is Rs.2,23,300/-. The movables available is seen extracted in paragraph 2 of the order. The Court below considered the matter and held that so far as Exts.B1 and B2 are concerned there is nothing to show that the property belong to her or her husband. It also relied upon the the report of Village Officers of Ernakulam and Thrikkakara North. It is true that in paragraph 8 of the counter affidavit the immovable property in Arakkapady village and Kunnathunadu village are referred to. The petitioner as DW1 had dined the ownership or possession by the owner in the suit property. Petitioner is a lady who lost her husband in an accident and the case is filed on the ground of medical negligence. It is true that an amount of Rs.1,05,000/- is received as insurance coverage

and it is submitted that the said amount has been spent for the expenses incurred and the liability to be discharged. On a total appreciation of the materials I do not find any perversity, illegality or irregularity committed by the Court below in arriving at a decision that the petitioner does not have sufficient means to pay the Court fee. Therefore, the order under challenge is confirmed the C.R.P. is dismissed.

M.N. KRISHNAN, JUDGE.

ul/-